

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE ARTEM KOSHKALDA,

Debtor.

ARTEM KOSHKALDA,

Appellant,

v.

SEIKO EPSON CORPORATION, ET. AL.,

Appellees.

Case No.: 19-cv-05696-YGR

**ORDER DIRECTING PARTIES TO PERFECT
RECORD**

Re: Dkt. No. 2

As advised previously in a notice from the Clerk of the Court (*see* Dkt. No. 2), before briefing can begin, the parties must first perfect the record.

Pursuant to Federal Rule of Bankruptcy Procedure (“FRBP”) 8009(a)(1)(A), the “appellant must file with the bankruptcy clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented.” As noted in the Bankruptcy Docket, this filing was due by September 24, 2019, *i.e.* 14 days after the filing of the notice of appeal. FRBP § 8009(a)(1)(B). Pursuant to FRBP 8009(a)(4), the record on appeal *must* include the following:

- docket entries kept by the bankruptcy clerk;
- items designated by the parties;
- the notice of appeal;
- the judgment, order, or decree being appealed;

- any order granting leave to appeal;
- any opinion, findings of fact, and conclusions of law relating to the issues on appeal, including transcripts and oral rulings; and
- any statement of the evidence prepared by appellant where a transcript is unavailable.

Once the Bankruptcy Court has transmitted the perfected record, appellant shall file and serve his opening brief within thirty (30) days.

Appellant is reminded that FRBP 8014(a) dictates what must be included in appellant's brief.

The appellant's brief must contain the following under appropriate headings and in the order indicated:

- (1) a corporate disclosure statement, if required by Rule 8012;
- (2) a table of contents, with page references;
- (3) a table of authorities--cases (alphabetically arranged), statutes, and other authorities--with references to the pages of the brief where they are cited;
- (4) a jurisdictional statement, including:
 - (A) the basis for the bankruptcy court's subject-matter jurisdiction, with citations to applicable statutory provisions and stating relevant facts establishing jurisdiction;
 - (B) the basis for the district court's or BAP's jurisdiction, with citations to applicable statutory provisions and stating relevant facts establishing jurisdiction;
 - (C) the filing dates establishing the timeliness of the appeal; and
 - (D) an assertion that the appeal is from a final judgment, order, or decree, or information establishing the district court's or BAP's jurisdiction on another basis;
- (5) a statement of the issues presented and, for each one, a concise statement of the applicable standard of appellate review;
- (6) a concise statement of the case setting out the facts relevant to the issues submitted for review, describing the relevant procedural history, and identifying the rulings presented for review, with appropriate references to the record;
- (7) a summary of the argument, which must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief, and which must not merely repeat the argument headings;
- (8) the argument, which must contain the appellant's contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies;
- (9) a short conclusion stating the precise relief sought; and
- (10) the certificate of compliance, if required by Rule 8015(a)(7) or (b).

1 Fed. R. Bankr. P. 8014(a).

2 In light of his *pro se* status, appellant may wish to seek assistance from the Legal Help Center.
3 Parties can make an appointment to speak with an attorney who can provide basic legal information
4 and assistance. The Help Center does not see people on a “drop-in” basis, and will not be able to
5 represent parties in their cases. There is no charge for this service. To make an appointment with the
6 Legal Help Center, you may: (1) sign up in person on the appointment book outside the Legal Help
7 Center offices at the San Francisco Courthouse (15th Floor, Room 2796) or Oakland Courthouse
8 (Room 470S); (2) call 415-782-8982; or (3) email federalprobonoproject@sfbar.org. The Help
9 Center’s website is available at <https://cand.uscourts.gov/legal-help>. They also have tips in
10 Bankruptcy cases for designating the record for an appeal and drafting and filing a statement of issues
11 to be presented.

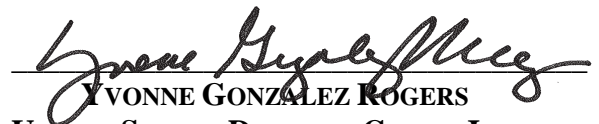
12 The District Court has produced a guide for self-represented/*pro se* litigants called
13 *Representing Yourself in Federal Court: A Handbook for Pro Se Litigants*, which provides
14 instructions on how to proceed at every stage of a case, including discovery, motions, and trial. It is
15 available electronically online (<http://cand.uscourts.gov/prosehandbook>) or in hard copy, free of
16 charge, from the Clerk’s Office.

17 The Court thus **ORDERS** as follows:

- 18 1. Appellant shall designate the record and file a statement of issues to be presented in this
19 appeal by **December 6, 2019**.
- 20 2. Appellee shall file all cross designations to portions of the bankruptcy record on appeal
21 and a statement of issues to be presented and within fourteen (14) days of appellant’s
22 filing.

23 **IT IS SO ORDERED.**

24 Dated: **November 12, 2019**

25 
26 YVONNE GONZALEZ ROGERS
27 UNITED STATES DISTRICT COURT JUDGE
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